

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

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PCT

NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing (day/month/year) 04.02.2005	
Applicant's or agent's file reference 62889	IMPORTANT NOTIFICATION
International application No. PCT/FR 03/03003	International filing date (day/month/year) 10.10.2003
Priority date (day/month/year) 18.10.2002	
Applicant THALES	



1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the International preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The Applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purpose of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purpose of deciding whether, in that State, the claimed invention is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

<p>Name and mailing address of the IPEA/</p>  <p>European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Netherlands Tel. +31 70 340-2040 Tx: 31 651 epo nl Fax: +31 70 340-3016</p>	<p>Authorized officer:</p> <p>Morice, B</p>  <p>Tel. +31 70 340-3963</p>
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PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT



(PCT Article 36 and Rule 70)

Applicant's or Agent's file reference	FOR FURTHER ACTION		See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/FR 03/03003	International filing date (<i>day/month/year</i>) 10.10.2003	Priority date (<i>day/month/year</i>) 18.10.2002	
International Patent Classification (IPC) or national classification and IPC G06F3/033			
Applicant THALES			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets including this title page.
- ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Instruction 607 of Administrative Instructions of the PCT).

These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:
- I ☒ Basis of the report
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement according to Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 28.04.2002	Date of completion of this report 04.02.2005
Name and mailing address of the IPEA  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Netherlands Tel. +31 70 340-2040 Tx: 31 651 epo nl Fax: +31 70 340-3016	Authorized officer: Davenport, K Telephone No. +31 70 340-2191 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/FR 03/ 03003

I. Basis of the report

1. This report has been drawn up on the basis of the following elements *(the replacement sheets received by the receiving office in response to an invitation according to Article 14 are considered in the present report as "originally filed" and are not annexed to the report as they contain no amendments (Rules 70.16 and 70.17).):*

Description, pages:

1-5 as originally filed

Claims, No.:

1-7 received on 24.01.2005 with the letter of 24.01.2005

Drawings, sheets:

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/FR 03/03003

5. ☐ This report has been written disregarding (some of) the amendments, which were considered as going beyond the description of the invention, as filed, as is indicated below (Rule 70.2(c)):

(All replacement sheets comprising amendments of this nature should be indicated in point 1 and attached to this report).

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty	Yes:	Claims	
	No:	Claims	1-7
Inventive Step	Yes:	Claims	
	No:	Claims	1-7
Industrial Applicability	Yes:	Claims	1-7
	No:	Claims	

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/FR 03/03033

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EXAMINATION REPORT - SEPARATE SHEET

International application No. PCT/FR 03/03003

Concerning point V

Reasoned statement with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement

Reference is made to the following document:

D1: US 2002/109674 A1 (YOKOYAMA MASAHIRO ET AL)
August 15 2002 (2002-08-15)

The present application does not satisfy the conditions stipulated in article 33(1) PCT, the object of claim 1 not matching the novelty criterion defined by article 33(2) PCT.

Document D1, which is considered the closest prior art, describes a device comprising a trackball (figure 1), the trackball comprising a movable part (paragraph 34, "ball 2"), and a body (paragraph 24, "a case 3 housing the ball") inside which the movable part can move (paragraph 37, "when the ball 2 is rotated"), the trackball delivering an item of information on the orientation of the movable part relative to the body (paragraph 34, "A user operates display screen.") the device also comprising a cover inside which the trackball is attached (paragraph 34 - "a case cover 6 affixed to the case 3"), the cover being separate from the body and comprising an opening allowing the movable part of the trackball to appear in order to operate the movable part from outside the cover, (claim 2 - "the cover has a generally circular hole in the center") the trackball comprising maintenance means (paragraph 50), characterized in that the device comprises means for gaining access to the means of maintaining the trackball from outside the cover (paragraph 47, 52), in that the means for gaining access to the maintenance

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International application No. PCT/FR 03/03003

means comprises a window removably attached to the cover (paragraph 34 - "a ball cover 7 detachably affixed to the case cover 6") in order to gain access to the maintenance means by removing the window (paragraph 47 - "the user lifts the ball cover and removes it from the case cover") and without removing the trackball from the cover (paragraph 34 - "a case cover 6 attached to the case 3"; fig. 1 - the cover "6" remains attached to the body "3" of the trackball).

The object of claim 1 is therefore not novel (article 33(2) PCT).

The dependent claims 2-7 contain no feature which, in combination with those of any one of the claims to which they refer, defines an object that satisfies the requirements of the PCT in relation to novelty and/or inventive step, see document D1 and the corresponding passages cited in the search report.